18-23538-shl Doc 4814 Filed 08/12/19 Entered 08/12/19 14:32:07 Main Document Pg 1 of 13



Georgia Watersports, LLC 3016 N. Columbia Street Milledgeville, GA 31061 (478) 454-0084 www.GeorgiaWatersports.com

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Georgia Watersports, LLC 3016 N. Columbia Street Milledgeville, GA 31061 Telephone: (478) 454-0084 Facsimile: (478) 575-5104

Claimant

U.S. BANKRUPTCY COURT

2019 AUG 12 P 1: 18

S.D. OF N.Y.

IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re: : Chapter 11

SEARS HOLDINGS CORPORATIONS, et al., : Case No. 18-23538 (RDD)

Debtors. : (Jointly Administered)

1 The Debtors in these chapter 11 cases, along with the last four digits of each Debtors's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service. LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); SR - Rover de Puerto Rico, LLC (f/k/a Sears, Roebuck de Puerto Rico, Inc.) (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Rover Brands Business Unit, LLC (f/k/a Sears Brands Business Unit Corporation) (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); Sears Brands Management Corporation (5365); and SRe Holding Corporation (4816). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.







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CLAIMANT'S RESPONSE TO OMNIBUS OBJECTION

TO: ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 8, 2019, Georgia Watersports, LLC, as claimant (the "Claimant"), hereby submits their Response to Objection, regarding Proof of Claim Number 5472 for Asserted 503(b)(9). Priority of \$998.73, (the "Claim").

RESPONSE:

The Claim should not be reclassified for the following reasons:

- 1. The Objection states that the "Reason for Proposed Reclassification" is "The Claim does not relate to goods received 'by the Debtors'". This comment may infer that customers of the Debtors' Sears.com marketplace platform are not also considered the 'Debtors'. Here is how the Sears.com online marketplace worked. The product data, inventory and price details related to the goods sold were uploaded on the Sears.com online marketplace by the Claimant. The Sears.com online marketplace then advertised these goods to its customers and made the sale of goods. The goods were delivered by the Claimant to the shipping addresses supplied by the Debtors. The Debtors collected the money from its customers, but never paid the Claimant.
 - a. If the customers on Sears.com online marketplace are considered the Debtors, then the Claim should not be allowed to be reclassified. The "list of transactions between Sears.com customers and Claimant 20 days or less" annexed to this Notice as <u>Exhibit A</u> were all delivered to the Debtors's customers within 20 days of October 15th bankruptcy filing date. Per









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Section 503(b)(9) of the Bankruptcy Code, the Claimant shall be allowed expenses including the value of goods received by Debtors within 20 days before date of commencement of a Title 11 bankruptcy case.

b. If the customers on Sears.com online marketplace are not considered the Debtors, then the funds related to "all unpaid transactions between Sears.com customers and Claimaint" annexed to this Notice as <u>Exhibit B</u> should not be considered the Debtors' debt. These funds should then considered a Trust, just like sales tax or employee withholding. As a result, the court should immediately require this money to be turned over to the Claimant by the Debtors since the Debtors took these payments from their customers and never turned the payments over to the Claimant. The **Exhibit B** contains unpaid transactions that are both "20 days or less" and transactions that are "over 20 days" from the date of the October 15th bankruptcy filing. This total amount of all unpaid transactions is \$2207.56.

PLEASE TAKE FURTHER NOTICE that, if the Debtors wish to reply, such Debtor can do so by sending a written reply or payment to:

Georgia Watersports, LLC 3016 N. Columbia Street Milledgeville, GA 31061 Facsimile: (478) 575-5104

PLEASE TAKE FURTHER NOTICE that, I will not plan to attend the Hearing scheduled for September 25, 2019 at 10:00 am since the cost of doing so would outweigh the amount the Claimant is trying to recover in this Claim. I will be reasonably available on my cell phone (phone # 706-473-6956) on that day.







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8/8/2019 Date Signed Georgia Watersports, LLC 3016 N. Columbia Street Milledgeville, GA 31061 (478) 454-0084 www.GeorgiaWatersports.com

Managing Member Signature

I declare under penalty of perjury of the laws of the State of New York that the foregoing is true and correct of my own knowledge.

Nathan Collins

Managing Member







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Exhibit A

List of transactions between Sears.com customers and Claimant - 20 days or less

PO#	PO Date	Invoice Amoun t	Total Selling Price for order	Commission for order	S&H Fee charged to the Custome r	Balance Due to Seller for order	Tracking Number	Shipped On	Delivered On	20 days or less
1033933	9/23/2018	132.94	\$136.4 4	\$20.48	\$16.98	\$132.94	9405515901664424666254	9/24/2018	9/27/2018	\$132.94
1037915	9/23/2018	46.12	\$44.28	\$6.65	\$8.49	\$46.12	1ZA212W20325860601	9/25/2018	9/26/2018	\$46.12
1090902	9/29/2018	33.53	\$29.47	\$4.43	\$8.49	\$33.53	9400115901664424675673	10/3/2018	10/6/2018	\$33.53
1096559	9/30/2018	29.57	\$24.80	\$3.72	\$8.49	\$29.57	9405515901664424672583	10/1/2018	10/3/2018	\$29.57
1105614	10/1/2018	10.36	\$2.20	\$0.33	\$8.49	\$10.36	9400115901664424675697	10/3/2018	10/6/2018	\$10.36
1100418	10/1/2018	14.06	\$6.34	\$0.77	\$8.49	\$14.06	9400115901664424675123	10/3/2018	10/3/2018	\$14.06
1160479	10/4/2018	23.52	\$17.69	\$2.66	\$8.49	\$23.52	1ZA212W20325891097	10/5/2018	10/6/2018	\$23.52
1153497	10/4/2018	23.41	\$17.56	\$2.64	\$8.49	\$23.41	9400115901664424677424	10/5/2018	10/9/2018	\$23.41
1165785	10/5/2018	268.08	\$300.1 1	\$45.02	\$12.99	\$268.08	1Z3649060305888343	10/8/2018	10/10/201	\$268.08
1181682	10/8/2018	417.14	\$470.7 8	\$70.62	\$16.98	\$417.14	1Z18W5230392348629	10/10/201 8	10/15/201 8	\$417.14
					TOTAL	\$998.73				\$998.73







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Exhibit B

All unpaid transactions between Sears.com customers and Claimaint

PO#	PO Date	Invoice Date	Total Selling Price for order	Commission for order	S&H Fee charged to the Custom er	Balance Due to Seller for order	Tracking Number	Shipped On	Delivered On	more than 20 days	20 days or less
00993		8/31/20					940551590166442				
62	8/29/2018	18	\$53.88	\$8.09	\$12.99	\$58.78	4642562	8/31/2018	9/4/2018	\$58.78	
01498		9/5/201					940551590166442				
03	9/1/2018	8	\$114.69	\$13.77	\$11.49	\$112.41	4646119	9/5/2018	9/8/2018	\$112.41	
01598		9/6/201					940011590166442				
45	9/2/2018	8	\$12.01	\$1.81	\$8.49	\$18.69	4648271	9/6/2018	9/10/2018	\$18.69	
01661		9/6/201					1Z4619170308444				
12	9/3/2018	8	\$16.05	\$2.41	\$8.49	\$22.13	208	9/5/2018	9/6/2018	\$22.13	
01762		9/10/20					940551590166442				
50	9/4/2018	18	\$114.02	\$17.11	\$16.42	\$113.33	4651922	9/10/2018	9/13/2018	\$113.33	
02338		9/11/20					920019012030951				
85	9/9/2018	18	\$15.29	\$2.30	\$8.49	\$21.48	0721781	9/10/2018	9/11/2018	\$21.48	
02343 46 02361	9/9/2018	9/11/20 18 9/10/20	\$33.32	\$5.00	\$9.99	\$38.31	940551590166442 4653162 940551590166442	9/11/2018	9/17/2018	\$38.31	
22	9/9/2018	18	\$18.80	\$2.82	\$12.99	\$28.97	4651311	9/10/2018	9/12/2018	\$28.97	
02432	3/3/2010	9/11/20	910.00	72.02	712.33	Q20.37	940551590166442	3/10/2010	3,12,232		
75	9/10/2018	18	\$41.57	\$4.99	\$8.49	\$45.07	4652233	9/11/2018	9/13/2018	\$45.07	
02016	3/10/2010	9/13/20	V-12.57	V1.33	90.15	V 15.07	940551590166442	2/22/2020	2,22,222		
76	9/6/2018	18	\$36.34	\$5.46	\$11.49	\$42.37	4655388	9/13/2018	9/15/2018	\$42.37	
02521	3/0/2010	9/13/20	450.51	\$3.10	· VIIII		940011590166442	-,,			
70	9/11/2018	18	\$101.97	\$12.24	\$15.45	\$105.18	4656344	9/13/2018	9/17/2018	\$105.18	
02569		9/14/20					1Z76E37V0303972				
91	9/12/2018	18	\$79.00	\$11.85	\$16.98	\$84.13	269	9/13/2018	9/14/2018	\$84.13	
02648		9/17/20					940011590166442				
53	9/13/2018	18	\$1.44	\$0.18	\$8.49	\$9.75	4659437	9/17/2018	9/20/2018	\$9.75	
02663	100000000000000000000000000000000000000	9/17/20					1Z6E61630303645				
53	9/13/2018	18	\$186.52	\$28.00	\$19.86	\$178.38	716	9/14/2018	9/17/2018	\$178.38	
02685		9/17/20					1ZY7913E0352023				
25	9/13/2018	18	\$115.86	\$17.40	\$28.23	\$126.69	235	9/14/2018	9/18/2018	\$126.69	
03040		9/18/20					940551590166442				
35	9/17/2018	18	\$30.67	\$4.61	\$8.49	\$34.55	4660047	9/18/2018	9/20/2018	\$34.55	
03052		9/18/20					940551590166442		10/20/201		
85	9/17/2018	18	\$53.88	\$8.09	\$12.99	\$58.78	4660078	9/18/2018	8	\$58.78	
02668		9/19/20					940551590166442				
95	9/13/2018	18	\$12.98	\$1.95	\$8.49	\$19.52	4661556	9/19/2018	9/21/2018	\$19.52	
02695		9/19/20					940011590166442				
23	9/13/2018	18	\$22.54	\$3.39	\$8.49	\$27.64	4661515	9/19/2018	9/22/2018	\$27.64	
02822		9/19/20					940011590166442				
51	9/14/2018	18	\$6.83	\$1.03	\$8.49	\$14.29	4661522	9/19/2018	9/21/2018	\$14.29	
02880	0/45/	9/19/20					940011590166442		a /aa /		
17	9/15/2018	18	\$45.35	\$5.45	\$8.48	\$48.38	4661546	9/19/2018	9/22/2018	\$48.38	







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					TOTAL	\$2,207.5 6				\$1,208. 83	\$998. 73
11816 82	10/8/2018		\$470.78	\$70.62	\$16.98	\$417.14	1Z18W5230392348 629	10/10/2018	10/15/201 8		\$417. 14
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